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Yoshihiro Ueno

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EXAMINER

WATKO, JULIE ANNE

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,456	<b>Applicant(s)</b> UENO ET AL.	
	<b>Examiner</b> Julie Anne Watko	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,9 and 14-35 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/12/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Applicant cannot rely upon the foreign priority papers to overcome any rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### ***Drawings***

3. The drawings are objected to because the appearance of arm 8 is inconsistent with the appearance of arm 8 in the other figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

The specification recites “lamp” throughout. The Examiner suggests --[l]amp--.

The specification recites “Fig. 13” and “Fig. 14” etc., throughout. See especially pages 63 and 71. This is inconsistent with the appearance of Figs. 13A, 13B, etc.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate correction is required.

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), “Sequence Listings” (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

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- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

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- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

### ***Claim Objections***

- 6. Claim 10 is objected to because of the following informalities: Claim 10 recites “the disk including” in line 1. The Examiner suggests --the disk device-- Appropriate correction is required.
- 7. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. All recitations of claim 34 have already been recited in parent claim 8.

### ***Claim Rejections - 35 USC § 112***

- 8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 9. Claims 6, 14-31, 33 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 6 recites the limitation “a third slanting face” in lines 1-2. There is insufficient antecedent basis for these limitations in the claims. No 1<sup>st</sup> and 2<sup>nd</sup> slanting faces have been previously recited.

Claim 14 recites the limitation “the rotating axis” in line 7. It is unclear whether this limitation refers to the "rotating axis" of lines 2-3 or to the “first rotating axis” of lines 5-6.

Claim 14 recites the limitation “forces ... are applied to the head support arm” in lines 27-30. Applied by what?

Claim 15 recites the limitation “tab portion is once operated on the unload side and is operated on the load side by a load command of the disk device, and is jumped up without abutting on the unload side wall face lower portion” in the last 4 lines. It is unclear what operating a tab means. Jumped by what? There is no antecedent basis for the unload side wall face lower portion.

Claim 20 recites the limitation “a third slanting face” in lines 1-2. There is insufficient antecedent basis for this limitation in the claims. No 1<sup>st</sup> and 2<sup>nd</sup> slanting faces have been previously recited.

Claim 24 recites the limitation “the waveform of a driving electric current” in lines 1-2. There is insufficient antecedent basis for this limitation in the claims.

Claim 28 recites the limitation “by supplying an electric current” in line 5. It is unclear which part of the device supplies the current to which part of the device.

Claim 30 recites the limitation “the voice coil” in line 4. There is insufficient antecedent basis for this limitation in the claims.

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Claim 31 recites the limitation "a second magnet" and "the second voice coil" in lines 3-4. There is insufficient antecedent basis for this limitation in the claims.

Other listed claims are indefinite by virtue of their dependency from indefinite claims.

### ***Double Patenting***

10. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

11. Applicant is advised that should claim 8 be found allowable, claim 34 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

12. Applicant is advised that should claim 33 be found allowable, claim 35 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boutaghou et al (US Pat. No. 6134076).

As recited in claim 1, Boutaghou et al show a head holding member 238 for guiding a tab portion 152 formed at one end of a head support arm 123 constituting an actuator 122 to an escaping position, and holding the tab portion 152 in the escaping position (at 246) when an unloading operation of the actuator is performed by an operation stopping command of a disk device; wherein the shape of the escaping position comprises: a head holding plane (bottom of 246) for holding the tab portion 152; a load side projecting portion (the portion beneath 245 projects upward in figure 2A) formed on the loading side (right side in Fig. 2A) of the head holding plane; and an unload side wall face (left of 246) formed on the unloading side (left side in Fig. 2A) of the head holding plane (bottom of 246).

As recited in claim 8, Boutaghou et al show that the head holding plane (bottom of 246) is formed so as to be parallel (see Fig. 2A) to the recording face of a recording medium 134 of the disk device.

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15. Claims 1, 3, 8-9, 14-15, 17, 22-23, 25-30 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwajima et al (US PAP. No. 20040240116 A1).

The applied reference had a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As recited in claim 1, Kuwajima et al show a head holding member (see Fig. 5) for guiding a tab portion 8 formed at one end of a head support arm 31 constituting an actuator 7 to an escaping position, and holding the tab portion in the escaping position when an unloading operation of the actuator is performed by an operation stopping command of a disk device; wherein the shape of the escaping position comprises: a head holding plane 14e for holding the tab portion; a load side projecting portion (42 which is formed on, but not only on, the left in Fig. 5) formed on the loading side (left side in Fig. 5) of the head holding plane 14e; and an unload side wall face 14f formed on the unloading side (right side in Fig. 5) of the head holding plane 14e.

As recited in claims 3 and 17, Kuwajima et al show that a load side wall face 14d having an angle perpendicular ( $\alpha=0$  is within the disclosed range of  $\alpha$ , see ¶0105, which includes a disclosure of  $\tan\alpha=0$ ) to the head holding plane 14e is formed on the loading side (left side in Fig. 5) of the head holding plane 14e, and a head upper wall face (lower face of 42) continuing to

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(and beyond, leftward in Fig. 5) the load side wall face 14d forms a face opposed to the head holding plane 14e of the load side projecting portion 42.

As recited in claims 8, 22 and 34, Kuwajima et al show that the head holding plane 14e is formed so as to be parallel (see Fig. 5) to the recording face of a recording medium 4 of the disk device.

As recited in claims 9, 23, 32-33 and 35, Kuwajima et al show that the width of the head holding plane 14e is greater than the width of the tab portion 8 of the head support arm 31 in a direction (horizontal direction in Fig. 5) perpendicular to the rotation center of a rotating axis of the actuator 7.

As recited in claim 14, Kuwajima et al show a disk device (see Fig. 1), the disk device including: a recording medium 4 rotatably arranged around a rotating axis 1; a head support arm 31 having a head 9 and a tab portion 8 at one end thereof, and able to be rotated around a first rotating axis 5 parallel to the rotating axis 1 by a first bearing portion 32 arranged in a position separated from the rotating axis 1; a second bearing portion (including 28 and 29) arranged between (insofar as 29 and part of 28 are between the head and the 1<sup>st</sup> rotating axis) the head and the first bearing portion and able to be rotated around a second rotating axis (at P1, P2) perpendicular to a center line of the longitudinal direction of the head support arm; two or more abutting portions (30a and 30b) located on the second rotating axis and abutting on the head support arm or the second bearing portion; a leaf spring portion 28 for connecting the head support arm and the second bearing portion; and a lamp portion 14 for holding the tab portion at an escaping time of the head support arm, wherein, when the tab portion 8 is moved to an escaping position (see Fig. 5) in the lamp portion in which a load side projecting portion 42

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formed on (but not only on) the loading side (left side in Fig. 5) of the head holding plane for preventing the movement of the tab portion 8 from the escaping position to the direction of the recording medium, an unload side wall face 14f formed on the unloading side of the head holding plane, and the head holding place 14e for holding the tab portion 8 in the escaping position are formed; forces in the radial direction of the recording medium and a direction perpendicular to the radial direction and biasing force of the leaf spring portion are applied to the head support arm (to the extent understood, see indefiniteness rejection), the head support arm is moved in the radial direction of recording medium, and the tab portion 8 is (inherently) held in the head holding plane as the escaping position of the tab portion by at least the biasing force of the leaf spring portion 28 among the forces applied to the head support arm.

Regarding whether the tab portion 8 abuts on the unload side wall face 14f before the tab portion 8 is held in the head holding plane: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the prior art structure is capable of performing this use. See 0089, which indicates that 14f is capable of blocking motion of 8.

Regarding claim 15: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the prior art structure is capable of performing this use.

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As recited in claim 25, Kuwajima et al show that a bearing in the second bearing portion is a pivot bearing (see especially 30a-b) with the pivot (P1-P2) as an abutting point.

As recited in claim 26, Kuwajima et al show that the pivot is formed in a conical shape or a pyramidal shape (see ¶0018).

As recited in claim 27, Kuwajima et al show that a bearing in the second bearing portion is a pivot bearing with one point of an abutting curved surface (surface of 30a, for example) as an abutting point.

As recited in claim 28, Kuwajima et al show that the head support arm 31 has a voice coil 10 connected to the head support arm through a voice coil holder 26, and the head support arm 31 swings around the first rotating axis 5 by supplying an electric current to the voice coil 10 and operating the voice coil 10.

As recited in claim 29, Kuwajima et al show that the tab portion 8 of the head support arm (inherently) has pressing force for pressing against (see especially Fig. 5) the head holding plane 14e of the lamp portion at a stopping time of the rotation of the recording medium 4.

As recited in claim 30, Kuwajima et al show that the lamp portion 14 is arranged in the vicinity of the outer circumference (see location of 14 in Fig. 1) of the recording medium 14, and a first magnet 11 is arranged so as to be opposed to the voice coil 10 on the side opposed to the recording medium side with respect to the head support arm 31.

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boutaghou et al (US Pat. No. 6134076).

As recited in claim 2, Boutaghou et al are silent regarding whether the head holding plane and the unload side wall face are connected by a curved surface.

There is no invention in changing the shape of known parts, when the functioning of the apparatus is not changed by the reshaping. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to curve the surface of Boutaghou et al in the course of arbitrary design choice. The rationale is as follows: one of ordinary skill in the art would have been motivated to reduce wear by encouraging smooth transitions as is notoriously well known in the art.

19. Claims 4, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwajima et al (US PAP. No. 20040240116 A1).

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As recited in claims 4, 16 and 18, Kuwajima et al are silent regarding whether the head holding plane and the load side wall face are connected by a curved surface.

There is no invention in changing the shape of known parts, when the functioning of the apparatus is not changed by the reshaping. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to curve the surface of Kuwajima et al in the course of arbitrary design choice. The rationale is as follows: one of ordinary skill in the art would have been motivated to reduce wear by encouraging smooth transitions as is notoriously well known in the art.

20. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwajima et al (US PAP. No. 20040240116 A1) in view of Freeman et al (US Pat. No. 7337452 B2) and further in view of Blumentritt et al (US Pat. No. 6292333 B1).

Kuwajima et al show a device as described above.

As recited in claim 31, Kuwajima et al are silent regarding whether the lamp portion is arranged in the vicinity of the rotation center of the recording medium, and a second magnet is arranged so as to be opposed to the second voice coil on the recording medium side with respect to the head support arm.

As recited in claim 31, Freeman et al show a second magnet (74 or 76) opposed to a second voice coil 78.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add to the device of Kuwajima et al a second magnet opposed to a second voice coil

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as taught by Freeman et al. The rationale is as follows: one of ordinary skill in the art would have had reason to focus as taught by Freeman et al and as is notoriously well known in the art.

As recited in claim 31, Blumentritt et al show a ramp in the vicinity of a center of rotation of a recording medium (see especially Figs. 1C and 1D).

Furthermore, there is no invention in relocating known parts, when the functioning of the apparatus is not changed by the relocation. In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the ramp of Kuwajima et al in the vicinity of a center of rotation of a recording medium as taught by Blumentritt et al. The rationale is as follows: one of ordinary skill in the art would have had reason to arrive at the claimed location in the course of arbitrary design choice as taught by Blumentritt et al and as is notoriously well known in the art.

***Allowable Subject Matter***

21. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. Claims 6, 19-21 and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

23. Claims 10-13 are allowed.

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***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morehouse et al (US Pat. No. 5231549 A) show a ramp with an unload side wall face (on left side of Fig. 16B).

Cameron (US Pat. No. 5973887) shows a head holding method (see especially Figs. 5-1 through 5-4).

Fayeulle et al (US PAP 20010033460 A1) show a ramp with a face opposed to a head holding surface (see Figs. 2 and 4).

Macpherson et al (US Pat. No. 6487052 B1) show a ramp with curves (see Fig. 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Mon & Fri, 9:30AM to 6:30PM, Tues-Thurs after 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JAW